

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI
Crl. Bail Appl. No.1656 of 2024.

Date	Order with signature of Judges
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For hearing of Bail Application.

22.10.2024.

Mr. Ahmed Hussain, Advocate along with Applicant
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General
Complainant Peer Bux along with ASI Naeem Haider Memokn, PS
Mirpur Sakro.

Mohammad Karim Khan Agha, J:- Applicant Mehram Khan Khaskehili was booked in FIR No.75/2024 under Section 337 Fii/34 PPC registered at PS Mirpursakro, District Thatta. He applied for pre arrest bail before the Court of Additional Sessions Judge-I/Model Criminal Trial Court Thatta which was declined vide order dated 04.07.2024. Hence the applicant approached this Court for pre arrest bail.

2. Brief facts of the case as per FIR are that on 23.05.2024 the complainant with his cousin sitting at Lait stop when at about 2130 hours two motorcycle having 04 persons came and sit beside us all of whom are named in the FIR and stated that they would not spare the complainant due to the dispute between them. Applicant took out knife from his pocket and stabbed the arm of the complainant whilst other co-accused started to kick and beat his cousin Irfan. On account of the commotion other relatives of the complainant reached and shouted which led the applicant and his co-accused make their escape good. Hence the aforesaid FIR was lodged against the present applicant.

3. I have heard learned counsel for the applicant and learned Addl. Prosecutor General Sindh. Learned APG and the Complainant have vehemently opposed the grant of bail.

4. No doubt that the applicant has been named in the FIR and has been given a specific role of stabbing the complainant in the arm. However, the maximum sentence available for the offence

under which the applicant has been charged is 03 years imprisonment and the general rule is that bail should be granted in such like cases unless exceptional circumstances exist. There is no exceptional circumstance existing in this case in order to decline the bail. It is noted that the stab was not on the vital part of the body of the complainant. The co-accused has also been granted bail. Final challan has been submitted as such applicant is no longer required for further investigation.

5. Based on the above discussion I hereby confirm the pre-arrest bail granted earlier on 27.07.2024 to the applicant **Mehram Khan Khaskheli** on the same terms and conditions.

6. It is made clear that this order is only after a tentative assessment of the evidence available on record and would have no bearing on the trial of the applicant which shall be decided by the concerned trial Court expeditiously and no adjournment on any flimsy ground shall be allowed. In the event if the applicant misuses the concession of bail, the complainant shall be free to approach relevant forum for cancellation of his bail. Copy of this order shall be sent to Judicial Magistrate Mirpursakro, District Thatta for compliance.

7. The instant criminal bail application stands disposed of in the above terms.

JUDGE

MAK/PS